

MINUTE ENTRY

8:30 a.m.

UNITED STATES OF AMERICA -v- YAN, JIN SHI

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding
FAYE CROZAT, Court Reporter
K. LYNN LEMIEUX, Courtroom Deputy
JAMIE BOWERS, Assistant U. S. Attorney
JOSEPH CAMACHO, Counsel for Defendant
YAN, JIN SHI, Defendant

PROCEEDING: SENTENCING

Defendant was present with her court appointed counsel, Attorney Joseph Camacho. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Hua (Mike) Yang was present and sworn as Interpreter/Translator of the Mandarin language.

No objection by the government of the presentence report. Counsel for defendant had no objections. Defendant stated that he did not understand the report. Court recessed at 8:40 a.m. so that the interpreter, defendant and defendant's counsel could go over the report again.

Court reconvened at 9:05 a.m.

Court adopted the presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government recommended that the sentencing should be at the upper level of the guideline range. Defense recommended that the defendant be sentenced on the low-end of the guideline range.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant YAN, JIN SHI is hereby sentenced to 41 months and supervised release for a term of three (3) years. The term of supervised release will commence immediately and will require that the defendant comply with the following conditions:

1. The defendant shall be delivered to a duly authorized immigration official for deportation proceedings pursuant to 18 U.S.C. Â§ 3583 (d), and with the establish procedures provided by the Immigration and Naturalization Act under 8 U.S.C. Â§1101, and in accordance with Title 3, Commonwealth Code, Section 4340. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release.

2. That the defendant shall not commit another federal, state or local crime;

3. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter for use of a controlled substance;

4. That the defendant shall comply with the standard conditions of supervised release as set forth by the U. S. Sentencing Commission;

5. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon; and

6. That the defendant shall perform 200 hours of community service under the direction of the U.S. Probation Office.

Further, the defendant was ordered to pay restitution, jointly and severally with his co-defendant Huang, Jin Yong "Ah Rong", to Fu, Guo Yan in the amount of \$420.00.

This payment shall be made through the Clerk's Office for disbursement to the Payee.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Adj 9:35 a.m.

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Applies to: DFT Yan, Jin Shi [KLL EOD 12/21/2004]